

Remarks

The Final Office Action dated October 10, 2003 has been received and considered by the Applicant. Claims 10-30 are currently pending in the present application for invention. Claims 10-17 and 30 are allowed by the Final Office Action dated October 10, 2003. Claim 18-29 are rejected by the Final Office Action dated October 10, 2003.

The Final Office Action dated October 10, 2003 rejects claims 18-29 under the provisions of 35 U.S.C. §112 first-paragraph, as containing subject matter which is not described in the specification. The Examiner states that the August 27, 2003 amendment to claims 18-29 submitted by the Applicant introduces new matter in to the present application for invention. The Applicant does not agree with this assertion contained in the Final Office Action. Specifically, the Applicant, respectfully, asserts that the August 27, 2003 amendment does not attempt to introduce new matter into the present application for invention.

The Applicant would like to draw the Examiner's attention to an object of the invention is described on Page 1, lines 14-16 of the present invention wherein it is stated that "it is an object of the present invention to allow audio management on different levels of complexity, through providing parallel but compatible accessibility to players is well as to PC's, in particular." The Applicant would like to draw the Examiner's attention to the word parallel as used in the previously quoted passage to describe the accessibility in the management of audio.

The Applicant would like the Examiner's attention to page 6, lines 32-34 of the specification to the present invention wherein it is stated that "the stored information may be accessed either via the file system as laid down in item 122, or via the TOC structure laid down in item 124". The Applicant would like to draw the Examiner's attention to the word either in the previously quoted passage. Either is synonymous with alternatively.

The Applicant, respectfully, submits that the two foregoing paragraphs clearly illustrate that the specification for the present applicant for invention discloses the subject matter that was added by the August 27, 2003 amendment to claims 18-29 which have been rejected under the provisions of 35 U.S.C. §112 first-paragraph.

Throughout the specification to the present invention, a storage method and apparatus are described that employ both file based and Table of Contents (TOC) based access. On page 1, beginning at line 1 of the specification to the present invention, the area to which the

invention pertains is stated as a "method and device for storing audio centered information by a table of contents (TOC) mechanism and also by a file based access mechanism through a root directory that contains a highest TOC directory, and the unitary storage medium containing such information."

The Applicants respectfully, submit that the foregoing portions of the specification to present invention, clearly illustrate that the specification to the present invention provides an enabling disclosure for the claims that are rejected under the provisions of 35 U.S.C. §112 first-paragraph, as containing subject matter which is not described in the specification. The Examiner states that the specification to present invention does not substantiate the clauses wherein the TOC mechanism can access audio information in parallel and alternatively to the file based access mechanism. The Applicants would like to, respectfully, point out that the above reproduced portions of specification to present invention clearly show that the specification is enabling for a storage medium having a file based access mechanism and the TOC mechanism wherein the TOC mechanism can access audio information parallel and alternatively to the file based access mechanism.

Accordingly, the to rejection claims 18-29 under the provisions of 35 U.S.C. §112 first paragraph, as containing subject matter which is not described in the specification is, respectfully, traversed.

The Final Office Action dated October10, 2003 reiterates the rejection to claims 18-29 under the provisions of 35 U.S.C. §102(e) as being anticipated by U. S. Patent No. 6,072,759 issued in the name of Maeda et al. (Maeda et al.). The Examiner states that this rejection is repeated because of the above discussed rejection of the terminology added by the August 27, 2003 amendment to claims 18-29 which the Examiner states in the Final Office Action dated October10, 2003 attempts to add new matter. As discussed above, the terminology added by the August 27, 2003 amendment to claims 18-29 does not add new matter to the present application for invention. However, the Applicant feels compelled to address the rejection to claims 18-29 under the provisions of 35 U.S.C. §102(e).

The Examiner states that Maeda et al. discloses the method of claim 18 including the element of "forming a file-based access mechanism on the unitary storage medium, including a TOC mechanism storing and accessing the audio information." In making this rejection, the Examiner refers to Figures 6A-6D of Maeda et al. The Applicants would like to, respectfully, point out that Maeda et al. teaches a recording medium format wherein information is accessed

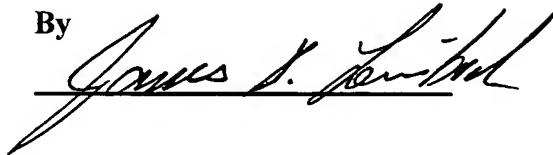
in a serial manner (see Figures 10A, 10B and 10C which are taken in conjunction with Figures 6A-6D). The present invention as defined by the rejected claims pertains to providing parallel accessibility of audio information (see page 1, lines 14-16 of specification to present intention). Accordingly, claim 18 has amended by the August 27, 2003 amendment more particularly claims the invention. Applicants, respectfully, submit that claim 18 has amended by the August 27, 2003 amendment recites a parallel and alternative manner of accessing audio information by either the TOC mechanism or the file based access mechanism is clearly distinguishable from the teachings of Maeda et al. Moreover, there is no suggestion within the cited references that would lead a person skilled in the art to modify the teachings of Maeda et al. to arrive at the present invention as recited by the elements of amended claim 18. Accordingly, claim 18 has amended by the August 27, 2003 amendment is believed to be allowable over the cited reference Maeda et al. Claims 19-23 which depend from claim 18. Applicants, respectfully, submit that claims 19-23 are also in condition for allowance.

The Examiner states that Maeda et al. discloses the storage medium recited by rejected claim 24 including the element of "forming a file-based access mechanism on the unitary storage medium, including a TOC mechanism storing and accessing the audio information." In a manner similar to the rejection of claim 18, the Examiner refers to Figures 6A-6D of Maeda et al. Applicants would like to, respectfully, point out that Maeda et al. teaches a recording medium format wherein information is accessed in a serial matter (see Figures 10A, 10B and 10C which are taken in conjunction with Figures 6A-6D). The present invention pertains to providing parallel accessibility of audio information (see page 1, lines 14-16 of specification to present intention). Accordingly, claim 24 has amended by the August 27, 2003 amendment more particularly claims the invention. Applicants, respectfully, submit that claim 24 has amended by the August 27, 2003 amendment recites a parallel and alternative manner of accessing audio information by either the TOC mechanism or the file based access mechanism is wholly inconsistent with the teachings of Maeda et al. Moreover, there is no suggestion within the cited references that would lead a person skilled in the art to modify the teachings of Maeda et al. to arrive at the present invention as recited by the elements of amended claim 24. Accordingly, claim 24 has amended by the August 27, 2003 amendment is believed to be allowable over the cited reference Maeda et al. Claims 25-29 depend from claim 24, Applicants, respectively, submit that claims 25-29 are allowable over the cited reference Maeda et al.

In view of the foregoing amendment and remarks, the Applicants believe that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By



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